

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

INTERVET INC., and	)	
BTG INTERNATIONAL LIMITED,	)	
	)	
Plaintiffs,	)	
v.	)	C.A. No.: 05-887-***
	)	
MERIAL LIMITED,	)	
	)	
Defendant.	)	

**STATUS REPORT**

On July 6, 2006, this Court entered an order (D.I. 27) staying the captioned civil action pending resolution of reexamination proceedings at the United States Patent & Trademark Office ("USPTO") regarding United States Patent No. 5,587,166 ("the '166 patent"), the patent-in-suit.

Pursuant to paragraph 2 of the Stay Order, the parties agreed to provide the Court with a report on the status of the reexamination proceedings at six-month intervals.

At present, the reexamination proceedings are ongoing and have not been completed. On December 22, 2006, the USPTO issued a first office action rejecting the claims of the patent-in-suit on obviousness grounds. The patentee responded to this non-final office action on May 22, 2007, and June 6, 2007. The patentee also filed an Information Disclosure Statement citing additional prior art to the USPTO. The parties expect that filings in the reexamination will be considered by the USPTO, in due course; and the parties are awaiting the USPTO's reply to filings in the reexamination. At present, it is unclear when reexamination proceedings as to the patent-in-suit will be completed. The parties request that this case continue to be stayed, and will provide the Court with another status report by January 7, 2008.

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